

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Wicked Nevada, LLC

Plaintiff,

VS.

JOHN DOE dba YTS, et al.

Defendants.

**Case No.: 1:19-cv-
(Copyright)**

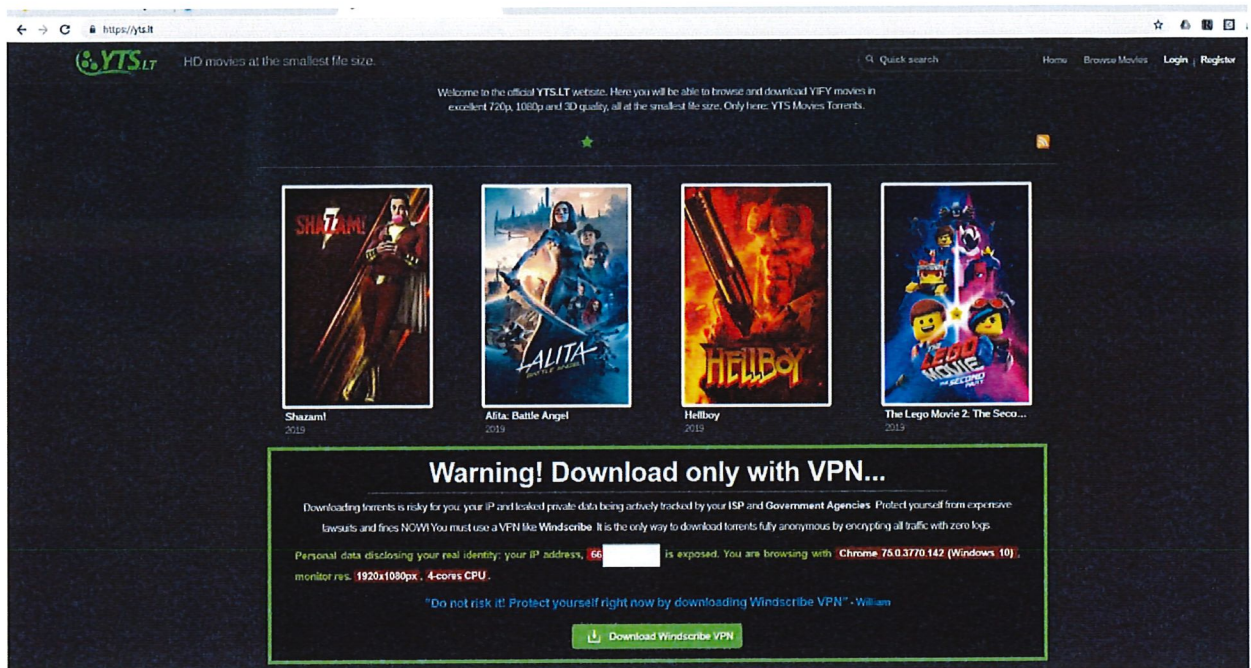
DECLARATION OF STEPHANIE KESSNER

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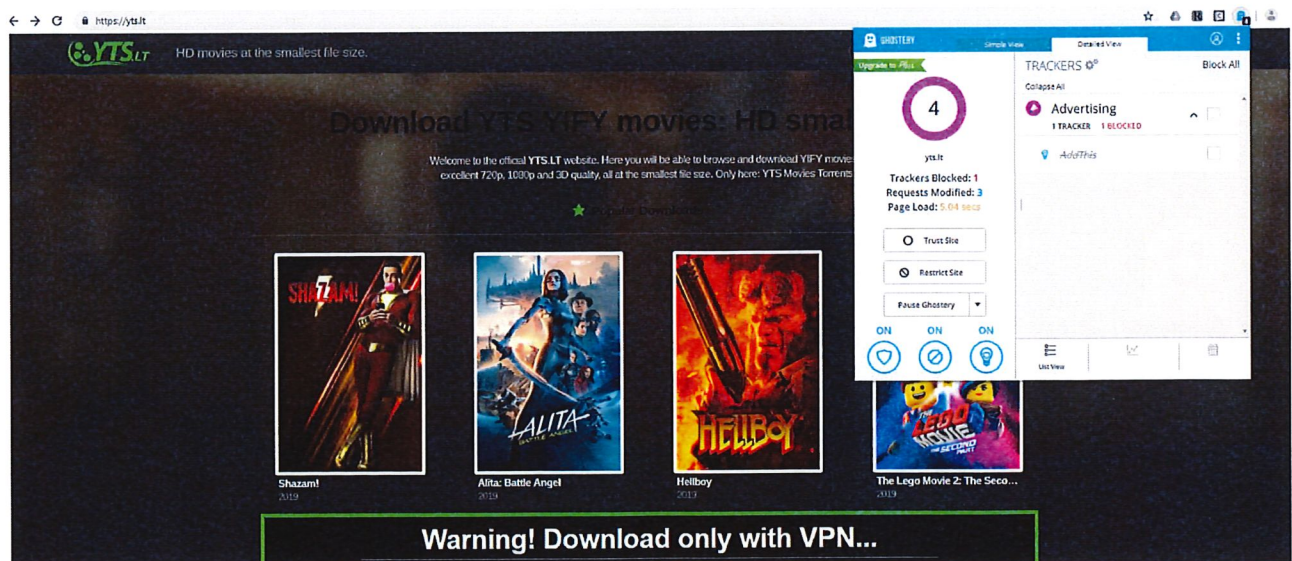
Stephanie Kessner hereby declares under penalty of laws of the United States that the following is true and correct.

1. I am over 18 years of age and a resident of Kailua Kona, Hawaii.
2. I work with Culpepper IP, LLC as a paralegal/legal assistant.
3. The below image accurately reflects how the website <http://yts.lt>

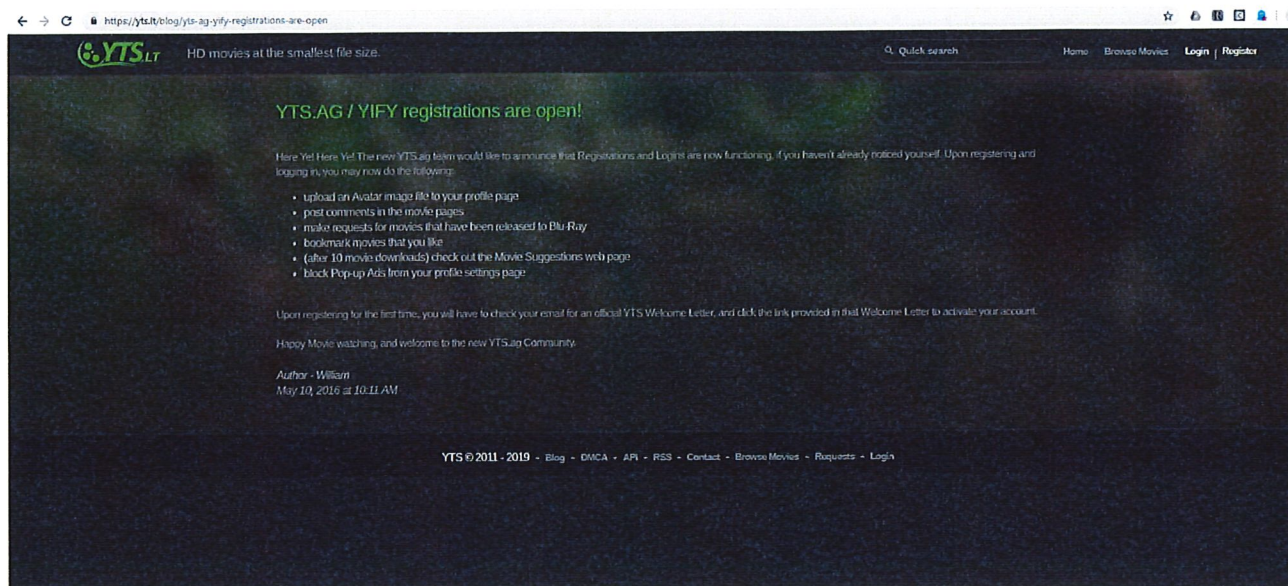
appeared on July 19, 2019 with the exception of the redaction of a portion of the Internet Protocol (“IP”) address. The website included a promotion for a Virtual Private Network (“VPN”) service that included an accurate description of the IP address of my current location, the web browser, the computer and monitor used to view the website.



4. The webbrowser includes in Add-On to block trackers generated by websites. The Add-On was checked to see if Cookies for Advertisements were being generated by the website. The screenshot below is an accurately shows the information displayed by the Add-On on July 19, 2019 which shows that a tracker was blocked from the website.



5. The below image accurately reflects how the website <https://yts.lt/blog/yts-ag-yify-registrations-are-open> appeared on July 19, 2019.



6. On July 31, 2019, I clicked on the link “Register” on the YTS website and registered an account. The registration process involved selecting a username consistent with the YTS username rules and inputting my email address. I selected username “Downloader26”.

7. After I created my account, I logged in using my account credentials. Then, I searched for the motion picture *Extremely Wicked, Shockingly Evil and Vile*. Below is a true and accurate copy of the website <https://yts.lt/movie/extremely-wicked-shockingly-evil-and-vile-2019> (“Wicked Website”) that was returned in response to my search. The Wicked Website included the advertisement for VPN service that included my IP address.

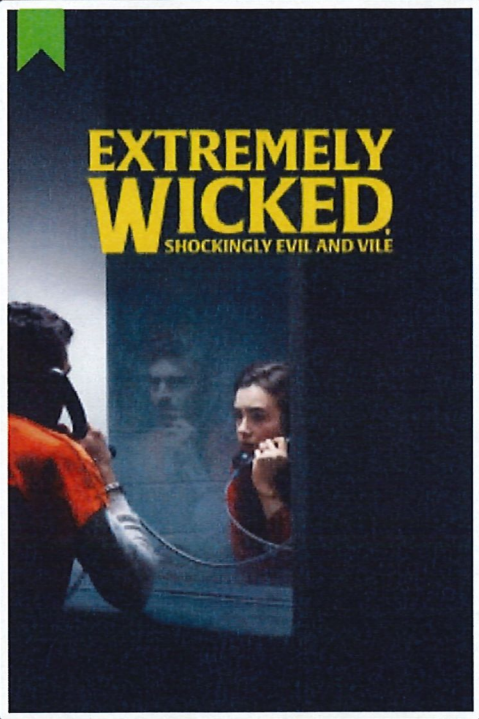


8. The Wicked Website included a description of the motion picture, four options for downloading torrent files, who uploaded the torrent files to the Wicked Website, and how many times it had been downloaded as shown below.

Extremely Wicked, Shockingly Evil and Vile

2019

Biography / Crime / Drama / Thriller



111

IMDb 6.7

720p.BluRay

1080p.BluRay

720p.WEB

1080p.WEB

f t + 27

Synopsis

A courtroom frenzy ensues and sweeps 1970s America when a young single mother meets Ted Bundy.

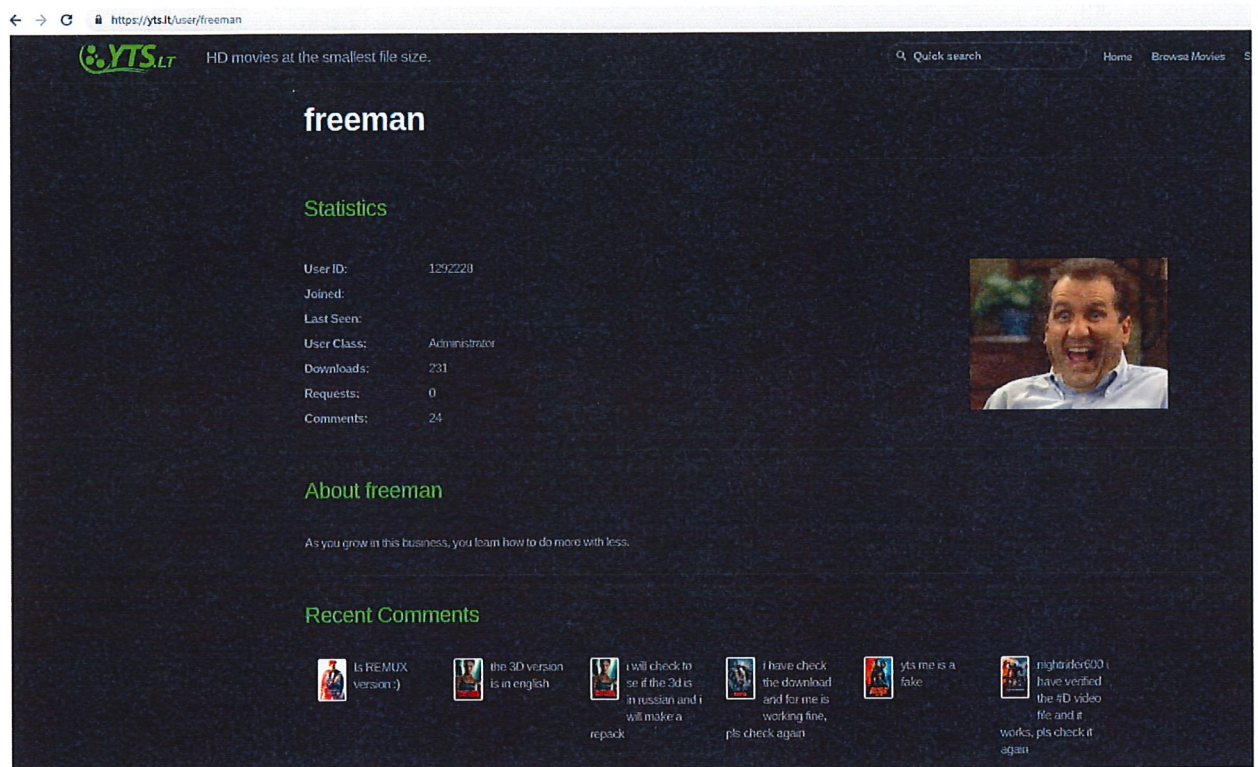
Uploaded By: FREEMAN

Downloaded 276,639 times

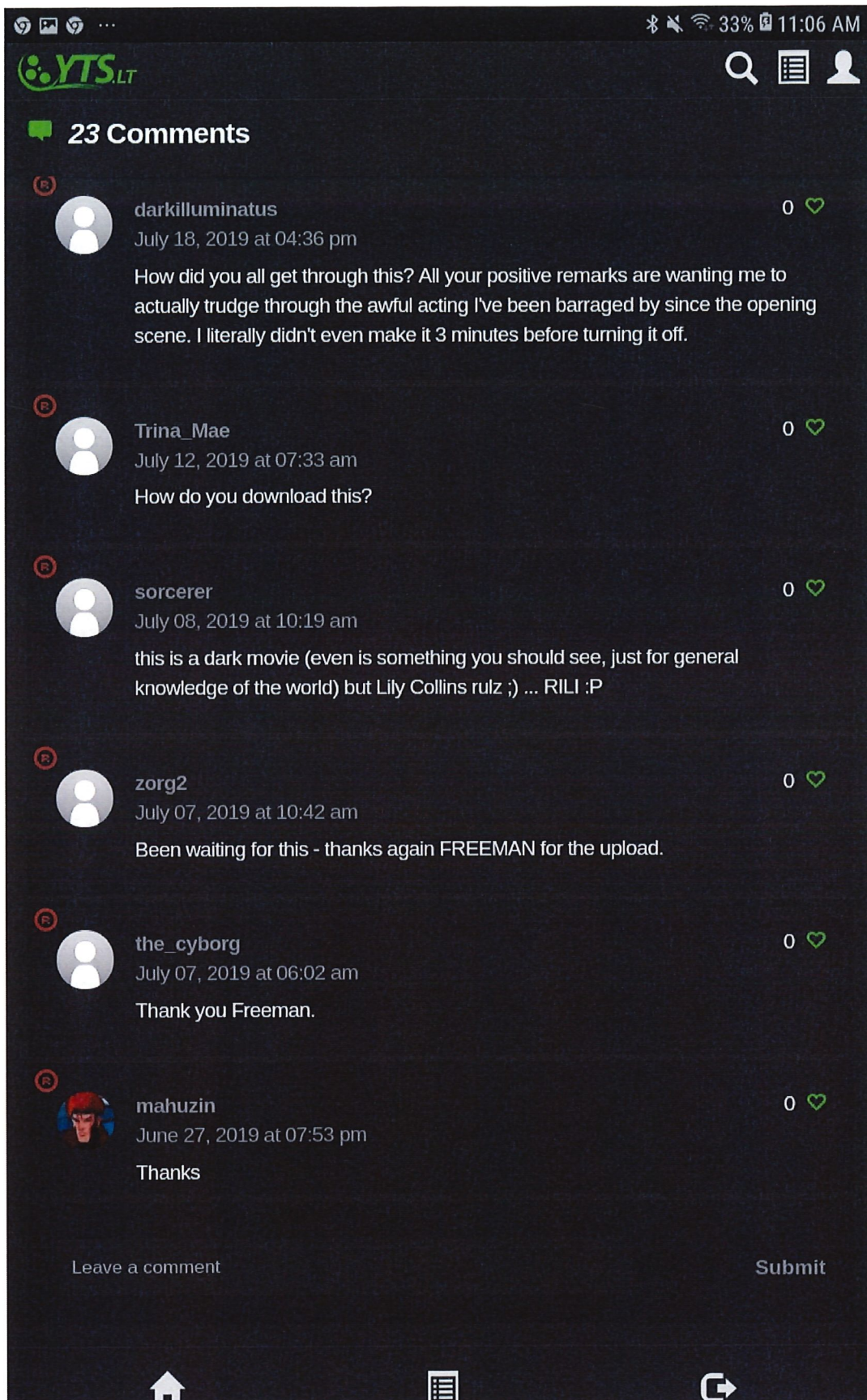
July 07, 2019 at 04:11 AM

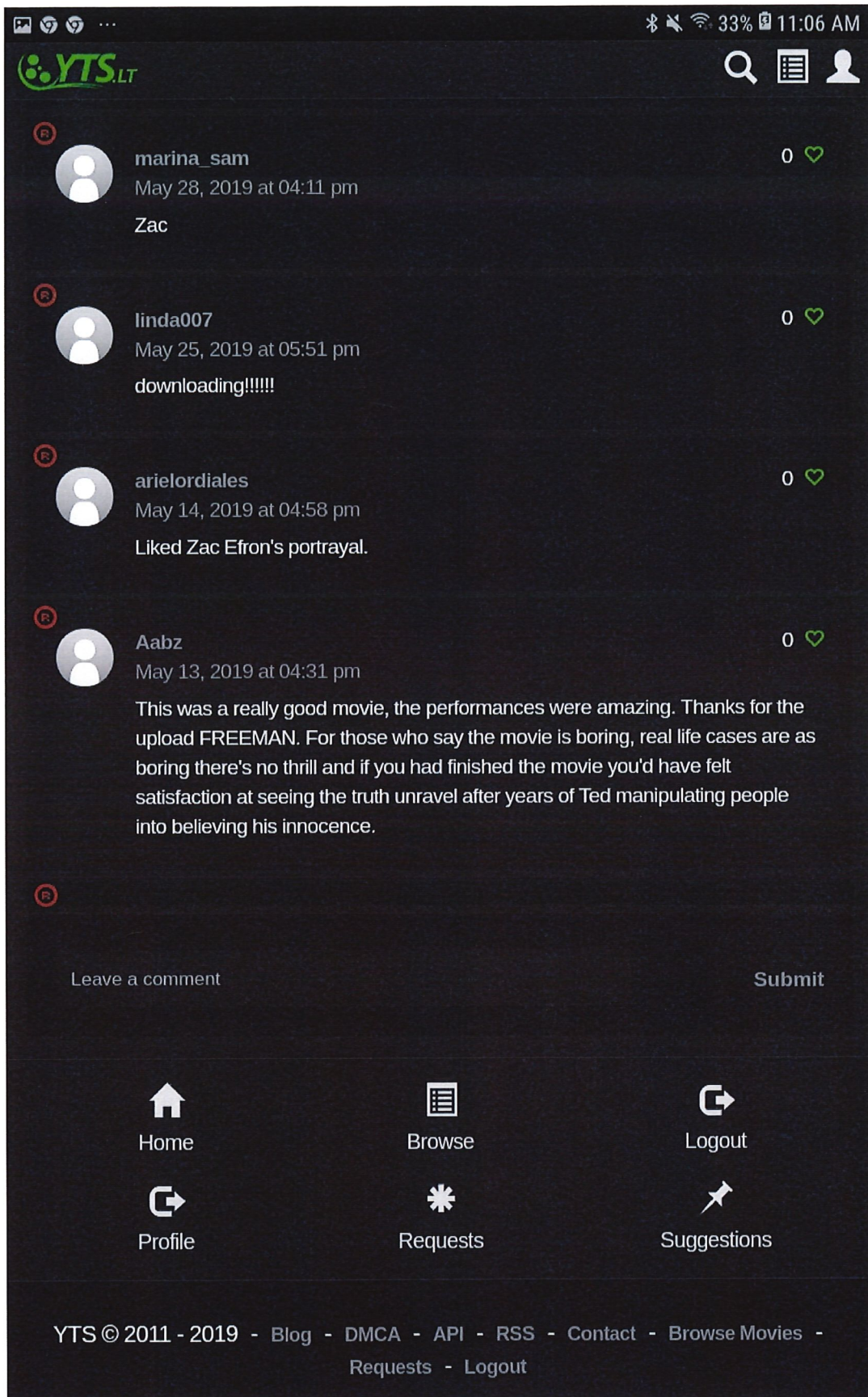
Director

9. The Wicked Website indicated that a user named “FREEMAN” uploaded the motion picture to the website. Clicking on the username “FREEMAN” generated a website showing detailed information about the user. As shown below, the detailed information indicates that FREEMAN has the user class “Administrator”.

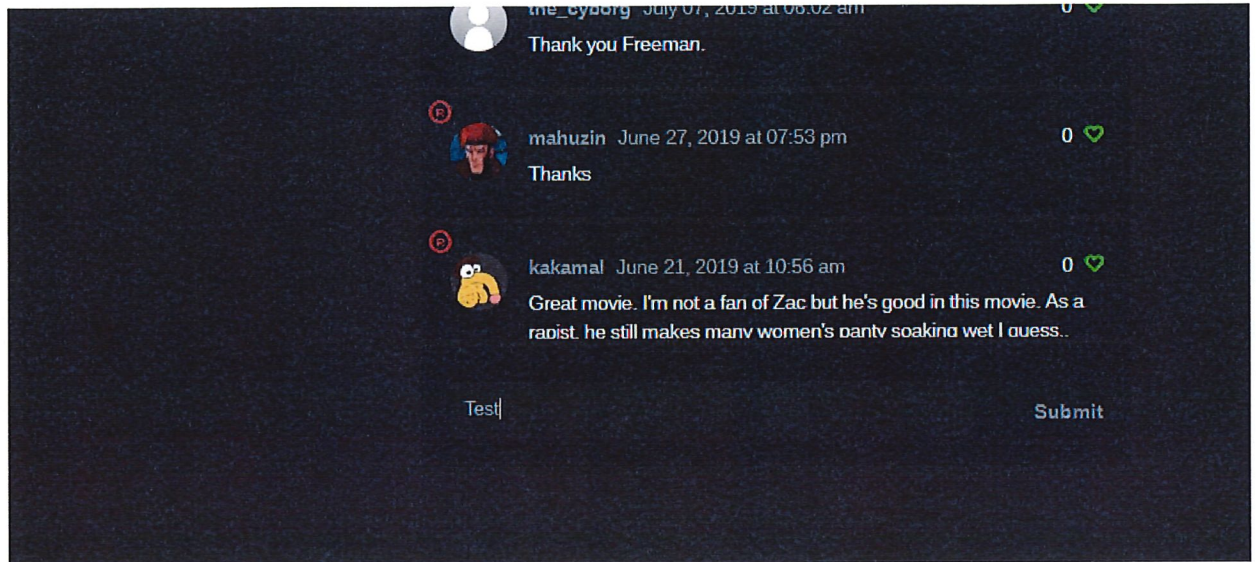


10. The Wicked website included comments from users. The below image is a true and accurate representation of how the comments appeared.

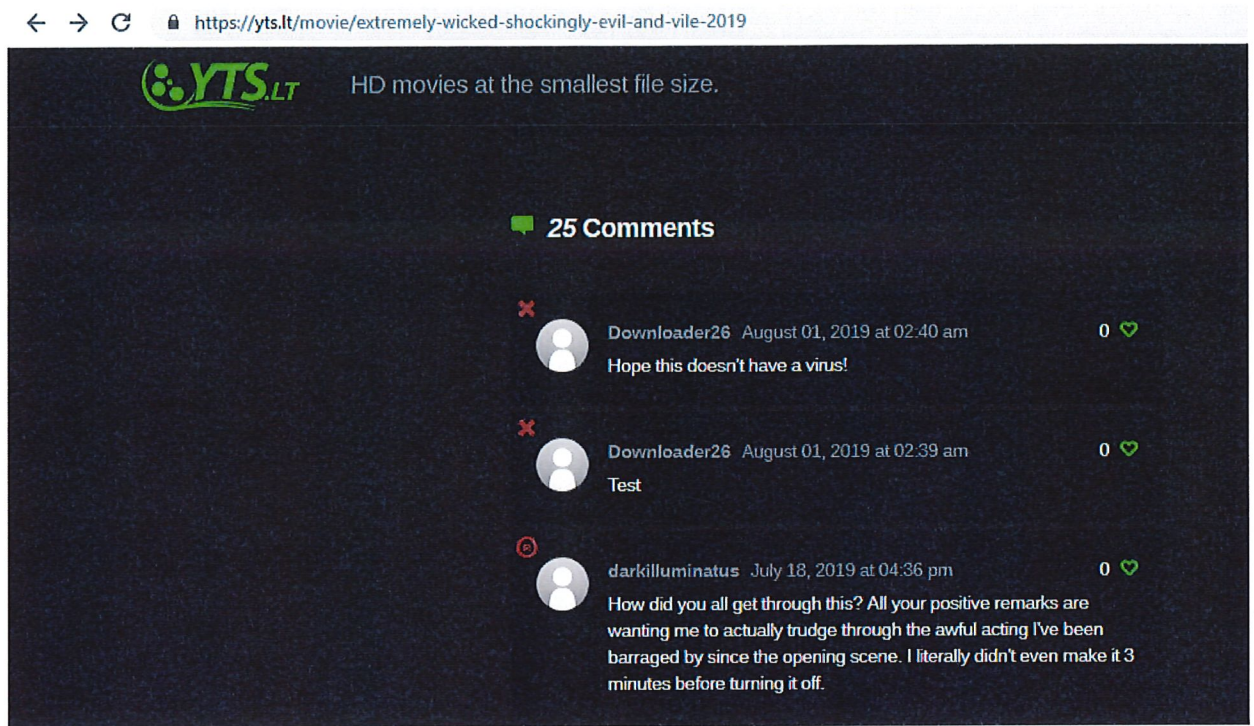




11. By typing in the box “leave a comment”, a comment could be left on the Wicked Website from my location. The “leave a comment” feature was tested twice by first typing in comment “Test” and then “Hope this doesn’t have a virus!” and pressing submit as shown below.

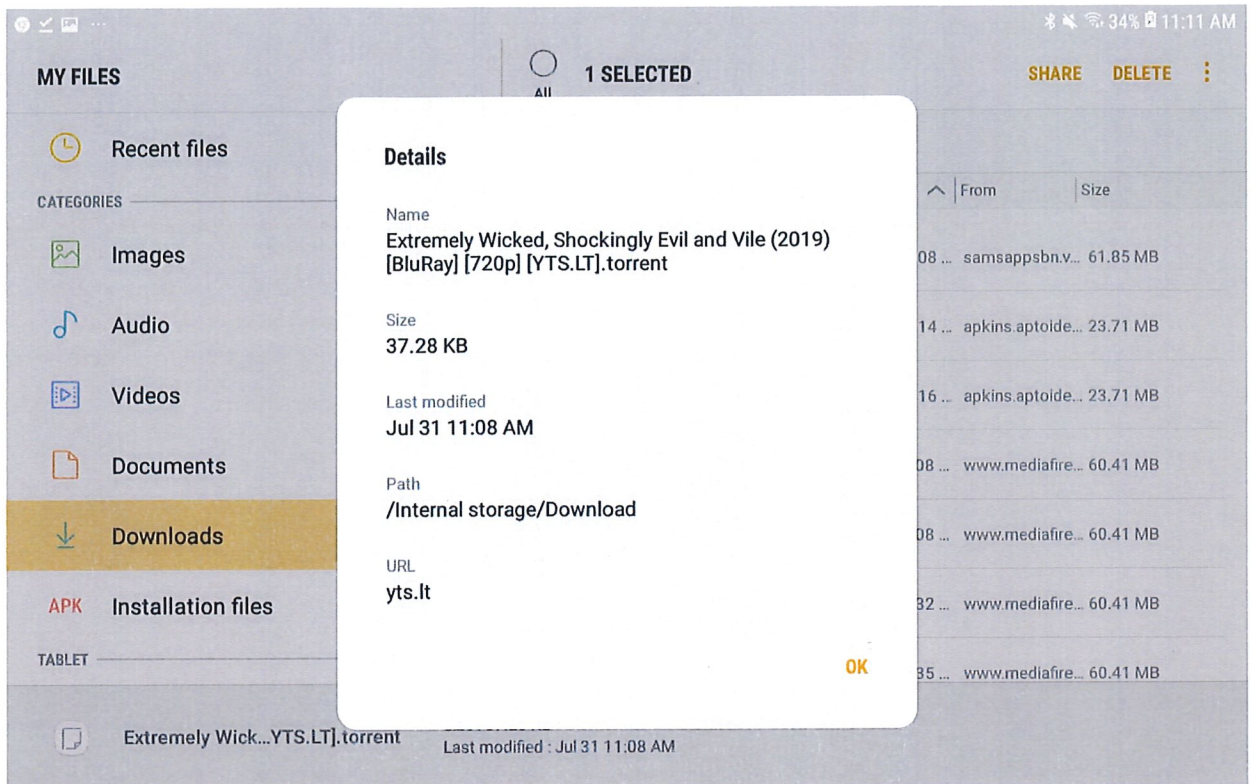


12. Initially the comments were not visible, but after about five minutes both comments were visible on the Wicked website as shown below.



13. The Wicked website included options for downloading four different torrent file types: 720p.BluRay; 1080p BluRay; 720p WEB; and 1080p.WEB.

14. Clicking on the link “720p BluRay” caused the computer to automatically download a copy of a torrent file named “Extremely Wicked, Shockingly Evil and Vile (2019) [BluRay] [720p] [YTS.LT].torrent”.

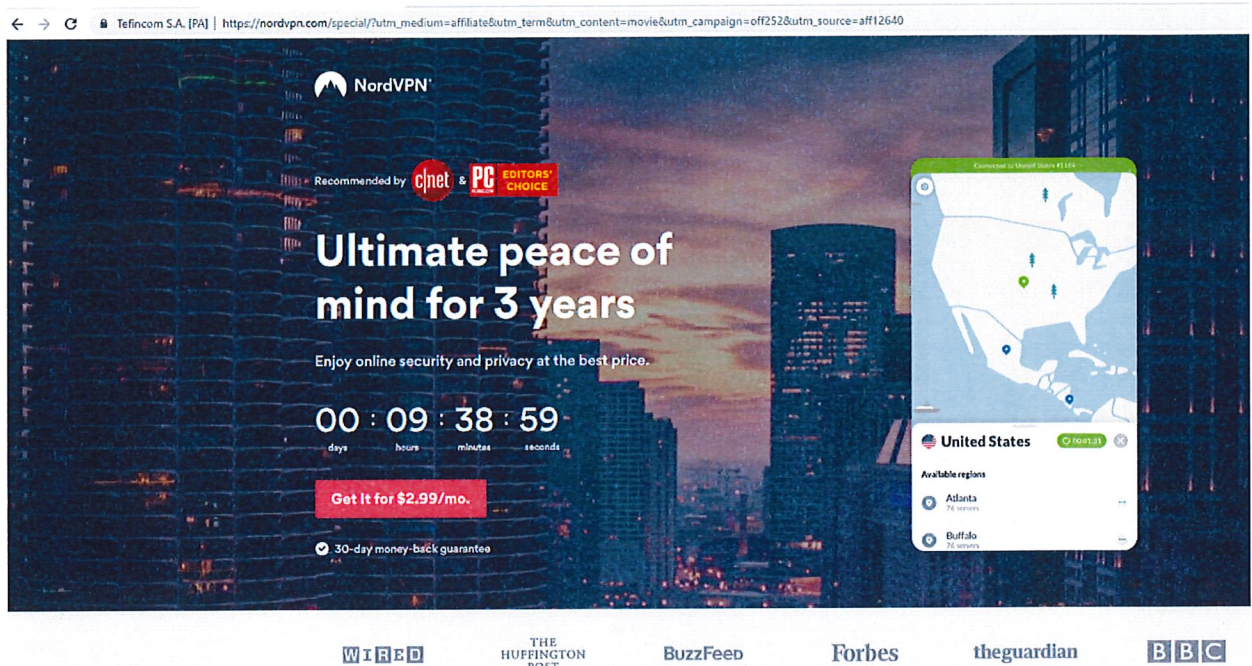


15. Clicking on the link “720p WEB” caused the computer to automatically download a copy of a torrent file named “Extremely Wicked, Shockingly Evil and Vile (2019) [WEBRip] [720p] [YTS.LT].torrent”.

16. While navigating the YTS.LT website, numerous pop-up windows with advertisements were generated regarding pornography and redeemable prizes.

17. As of July 31, 2019, entering in the websites YTS.AG and YTS.AM automatically redirected me to YTS.LT.

18. As mentioned above, the website included a banner advertising VPN service. Clicking on the banner generated a new window in which I received a time limited offer to purchase VPN service from NordVPN.



19. The below image accurately reflects how a portion of the website <https://www.domreg.lt/en/services/whois/?search=yts.lt> appeared on July 19, 2019.

SEARCHING FOR THE DOMAIN IN WHOIS

<input type="text" value="yts.lt"/>	<input type="button" value="CHECK"/>
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Domain information

Domain	yts.lt
Status	Registered
Created	2018-07-20 19:13:37
Expires	2019-07-21 23:59:59
Updated	2019-04-11 19:34:46

Registrant information

Organization	TechModo Limited
Address	85 Great Portland Street, First Floor, London, W1W 7LT, gb
Phone	+44.2071129167
Email	13bb5b1fccd2e60880654bd8fd2b6be7- 8893542@contact.gandi.net

Technical contact

Organization	TechModo Limited
Address	85 Great Portland Street, First Floor, London, W1W 7LT, gb
Email	13bb5b1fccd2e60880654bd8fd2b6be7- 8893542@contact.gandi.net
Phone	+44.2071129167

Registrar

Organization	Gandi Sas
Website	http://www.gandi.net/
Email	reg.lt-admin@gandi.net

DNS servers

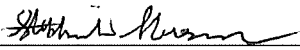
eric.ns.cloudflare.com
erin.ns.cloudflare.com

20. In response to a legal request, Cloudflare sent our office an audit log including all the IP addresses and email addresses associated with the account holder

of the Cloudflare account(s) associated with YTS.AG, YTS.AM, YTS.GG and YTS.SU. Exhibit “1” includes some of the IP addresses from the audit log. The IP addresses associated with YTS.SU, known TOR nodes and the majority of those from foreign countries were removed. I used publicly available resources such as the website “maxmind.com” to determine the geolocation and Internet Service Provider associated with each of the IP addresses. Exhibit “1” accurately reflects the information provided from Cloudflare and my determination.

I declare under the penalty of perjury that the foregoing is true and correct.

DATED: Kailua Kona, Hawaii, July 31, 2019.


Stephanie Kessner